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5 questions as the Alabama Legislature begins the 2018 session

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The Speaker of the House gavel awaiting the start of the first day of the special session of the Alabama Legislature held at the Alabama Statehouse in Montgomery, Ala., on Monday August 15, 2016. The special session was called by Governor Robert Bentley to discuss a possible state lottery. (Photo: Mickey Welsh / Advertiser)

They're coming back. And they hope to get out as soon as possible.

The Alabama Legislature returns to work at noon Tuesday, with most legislators hoping for a quick session that will allow them to get on the campaign trail for state elections in November. Most leaders seem to want to focus on the state's two budgets and not get too deep into other issues.

But events have a way of upsetting intentions. The Legislature may have to address issues ranging from prison health care to the state's Children's Health Insurance Program. Both issues could be discussed by Gov. Kay Ivey Tuesday evening, in her first State of the State address, setting her legislative agenda for the year.

"Governor Ivey's agenda for the 2018 legislative session will include issues that directly affect Alabamians including, among other things; supporting Alabama's education system from Pre-K to the workforce, ensuring the needs of our state's rural citizens are being met and providing proper care and facilities to those incarcerated in Alabama," Daniel Sparkman, a

spokesman for Ivey, said in a statement Monday. "Governor Ivey's goal for this legislative session is to invest in our future, provide for our people and spend taxpayer dollars responsibly."

Even budgets expected to be in good shape might create flashpoints of debate. Below, five questions heading into the legislative session.

1. Can the Alabama Legislature avoid controversy?



A bill is read in the Alabama House Chambers in this file photo from 2017. (Photo: Albert Cesare / Advertiser)

The Legislature will convene for the first time in four years without any major state official under indictment (</story/news/politics/southunionstreet/2016/06/10/hubbard-closing-statements-conclude-jury-deliberate/85688936/>) or public investigation (</story/news/politics/southunionstreet/2017/04/10/bentley-resigns-amid-sex-scandal-ivey-becomes-governor/100304786/>). That leadership crisis led to nationwide embarrassment for the state and created paralysis in state government as legislators struggled to come up with adequate funding for the state's social services.

Moving beyond the crisis can only help legislators, who in the past have avoided heavy lifts in election years. The Alabama House Republican Caucus last month unveiled an agenda filled with [mostly-noncontroversial topics](/story/news/politics/southunionstreet/2017/12/14/amid-uncertainties-alabama-house-republicans-unveil-2018-agenda/952434001/) (</story/news/politics/southunionstreet/2017/12/14/amid-uncertainties-alabama-house-republicans-unveil-2018-agenda/952434001/>).

Still, there will be major issues to address. The state faces a reckoning on mental health care in prisons, with U.S. District Judge Myron Thompson waiting to see what solution the government comes up with. Corrections Commissioner Jeff Dunn has called for increasing spending this year and next to implement a new health care contract.

Legislators may also have to deal with Congress' inability to come up with long-term funding for the Children's Health Insurance Program (CHIP), which covers 150,000 children in Alabama in two separate programs.

2. How will elections affect the Legislature's actions?



People voting in polling place (Photo: Blend Images - Hill Street Studios, Getty Images/Brand X)

Expect legislators to be more open to pay raises, not only for teachers but state workers as well. With the General Fund in an unusual noncatastrophic state (see below), two senators have said a cost-of-living adjustment for state employees is possible. If passed, it would be the first COLA for state employees since 2008.

Still, there are plenty of other variables. There could be a significant number of departures in the chambers; at least seven senators and nine representatives are either retiring or running for different offices, and some leaders expect those numbers to grow. That could – for better or worse – lead to less cohesion, particularly among the Republican supermajority.

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3. Is the General Fund . . . OK?



Rep. Steve Clouse on the house floor at the Alabama Statehouse in Montgomery on April 20. Clouse said the state is trying to keep some money in reserve because the state is about to exhaust oil spill settlement money that has helped prop up the Medicaid budget. (Photo: Mickey Welsh / Advertiser)

“OK” is strictly subjective. But legislators express cautious optimism about the perpetually troubled budget, which pays for most noneducation services in the state. Legislators’ decision in 2012 to move most Internet sales taxes into the \$1.8 billion General Fund alleviated the budget’s traditional problem of flat revenue (</story/news/politics/southunionstreet/2017/03/13/big-item-alabama-general-fund-budget-uncertainty/99126544/>). Internet taxes brought in \$52 million to state coffers in 2017. Legislators also saved \$93 million from last year’s budget that could go to other agencies.

The other problem — growing costs — got helped by the state Medicaid Agency’s unexpected carry forward from last year, due to lower drug costs (</story/news/politics/southunionstreet/2018/01/07/alabama-legislature-2018-budgets-then-elections-they-hope-preview-session/1006453001/>).

That breathing room allows legislators to talk about pay raises for state employees. But gains could get eaten quickly. To improve mental health care, Corrections is seeking \$80 million over two years. The Alabama Department of Public Health (ADPH) has requested \$56 million in the current year’s budget should Congress require the state to provide matching funds for CHIP. Other state agencies, which have seen flat funding for years, have also made budget requests. House Ways and Means General Fund chairman Steve Clouse, R-Ozark, said last month he expected generally flat funding for most agencies.

4. What can we expect from the education budget?



Rep. Bill Poole on the house floor in the Alabama Statehouse in Montgomery, Ala. on Tuesday February 14, 2017. (Photo: Mickey Welsh / Advertiser)

The Education Trust Fund budget gets most of its funding from the state's income and sales taxes. A booming economy means those are and should be in good shape for 2019. House Ways and Means Education chairman Bill Poole, R-Tuscaloosa, talked last month about a range of possibilities, from teacher pay raises to direct funding for classrooms to pre-kindergarten expansion.

Pre-K expansion for years has been as close to a guarantee as anything else in the education budget. There will likely be pressure for a teacher pay raise as well, though the extent of that — and funding for other services and needs — will depend on how much growth is expected in the \$6.4 billion budget next year.

5. What issues might break out beyond the budgets, prisons and CHIP?



(Photo: Albert Cesare)

Advocates for greater oversight of exempt daycare centers plan [to bring their bill back to the floor \(/story/news/politics/southunionstreet/2017/05/19/day-care-oversight-bill-hits-turbulence-senate/101895326/\)](http://www.montgomeryadvertiser.com/story/news/politics/southunionstreet/2017/05/19/day-care-oversight-bill-hits-turbulence-senate/101895326/) and expect the death of a five-year-old last August in a van operated by an exempt day care center to give new urgency to the push.

Bills have also been filed to amend last year's legislation blocking cities from removing or altering historic monuments, a law that has already led to a clash between the city of Birmingham and the Alabama attorney general's office over the city's attempt [to cover a Confederate monument \(/story/news/politics/southunionstreet/2017/08/16/alabama-attorney-general-sues-birmingham-hiding-confederate-monument/573980001/\)](http://www.montgomeryadvertiser.com/story/news/politics/southunionstreet/2017/08/16/alabama-attorney-general-sues-birmingham-hiding-confederate-monument/573980001/). Bills to allow churches to create armed security forces, as is a bill that could expand the areas a person could take a pistol, with or without a concealed carry permit.

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